

Minutes of the Regular Meeting of Stow City Council held on Thursday, October 27, 2016, at 7:00 p.m.

Council Members Present:       Rasor, Riehl, Adaska, D'Antonio, Lowdermilk & Pribonic

Council Members Absent:       Costello

City Officials Present:       Mayor Kline, Director of Budget & Management Earle, Deputy Service Director Brooker, Economic Development Coordinator Trenner, Police Chief Film, Fire Chief Stone & Clerk of Council Emahiser

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**Call to Order**

Mr. Rasor called the meeting to order and Mr. Adaska led the prayer and pledge of allegiance.

**Comments from Other Persons Present**

Gerry Bettio  
4155 Osage Street

Mrs. Bettio stated she wasn't here as a taxpayer, but as a School Board Member. She was sure Council knew about Issue 42, which was on the November 8<sup>th</sup> ballot. She requested Stow City Council consider passing a resolution endorsing that matter.

This was strictly a PI levy. It was not going into the general fund. It guaranteed that even their newest school, which was thirty years old, would be taken care for the safety and welfare of the children.

She had signs with her. She noticed that the Mayor didn't have a sign endorsing that issue. She asked if she could leave one for her? Mayor Kline stated Mrs. Matthews had dropped one off at her house this afternoon. Mrs. Bettio stated she hadn't seen it when she had passed her house.

She knew Mr. Pribonic had quite a few signs. She stated if anybody else wanted one, she had some with her. She would appreciate any help that City Council could give them.

Paul Zuravel  
3720 Gilbert Road

Mr. Zuravel wanted to draw Council's attention to Ordinance No. 2016-112 concerning an amendment to the code. He wanted to let City Council know that this was brought about because of an investigation that he had brought to the Board of Building Standards of the Ohio Department of Commerce.

He had had a siding permit that was good for a year. The City doesn't require an inspection until the job is completed. The City's building department pulled it after six months for no reason. Then they offered to give him another one for another \$75.00.

Knowing that this was against the code, he called the Board of Building Standards. They did an investigation. The results came back that the City was in fact wrong and they had to change their ordinance. That was what this legislation was all about.

He unconstitutionally had a permit taken away from him that was valid for a year. Had he not gone to the Board of Building Standards, he would have paid another \$75.00. He asked how many other people throughout the city were going thru that?

He hoped City Council approved the legislation changing this along with taking out some of the extra fees that they added in the legislation.

He didn't know what it was with him, but it was just adding to the preponderance of evidence that he thought he has been targeted.

He contracted for a roof to be done on the property he had on Leewood. You pay a \$50 permit fee for a roof. You are supposed to get an inspection. The City doesn't do their inspections until the roof is entirely done. However, there were certain elements of that roof that they were supposed to inspect to make sure they were done properly.

Again he made a complaint to the Department of Commerce, the Ohio Board of Building Standards. They came back. They said you cannot charge for a permit without a plan review.

The City has been charging for roofing permits without doing a plan review or proper inspections. So every old person or person who has a roof done doesn't know what they are getting. The City is going out there, looking at it from the street and saying that the roof looks good.

Again the Board of Building Standards came back. Now, because of that, there are a couple of things that have to be done.

The Building Engineer, Bud Carey, has to go to some classes to touch-up on how this is supposed to be done. And, because of the way Tony Catalano treated him, he has to go to courteous classes.

The City's Building Inspector was very uncourteous to him. That was documented in emails. He was sure that the Mayor was aware of it.

He didn't know if the City was going to take any discipline against him. They didn't take any discipline against the guy who threatened to kick the shit out of him on the steps, so he doubted that anything would happen.

Mr. Razor stated Mr. Zuravel's time was up. He would give him twenty more seconds to wrap things up.

Mr. Zuravel stated the Mayor had told the Police Chief that he was a dangerous individual and could hurt somebody in the future.

Mr. Pribonic asked for a point of order?

Mr. Zuravel stated he had the floor. It was a fact and it was of public record.

Mr. Razor stated Mr. Zuravel's time had now expired for the second time. He showed him the stop watch he was using.

Mr. Zuravel thought people got three minutes for every meeting during the year. Mr. Razor stated no, they didn't accumulate. People could not pocket the times that they didn't show up.

Mr. Zuravel thought it was a shame that City Council couldn't allow an extra five minutes for somebody to speak when they paid the property taxes that he paid. He thought that was horrible. If Mr. Razor felt good about that, it was great.

Mr. Razor stated those were the rules. He thanked him for his comments.

### City Officials' Reports

Mayor Kline reported as follows:

1. Tomorrow, from 2:30 p.m. until 4:00 p.m., was the Fifth Annual Trick-or-Treat Street at City Hall. They encouraged families with younger children especially, but all ages were welcome, to come and enjoy all of the activities that they had planned.

People should come in costume. Employees would be dressed in costumes. They would also be handing out delicious candy, all of the chocolate variety, to anyone who would like to come to trick-or-treat.

Again, it was 2:30 p.m. until 4:00 p.m., here at Stow City Hall.

2. Traditional Trick-or-Treat thru neighborhoods in this city would be on Saturday, from 5:30 p.m. until 7:30 p.m.

She asked residents to please leave their porch lights on if they intended to participate in Halloween Trick-or-Treat. If not, she asked residents to please not put their porch lights on until after 7:30 p.m.

As always, they would have officers patrolling neighborhoods to help insure the safety of little ones as they were trick-or-treating.

3. Council would not meet again until after November 8<sup>th</sup>. Therefore she reminded everyone that November 8<sup>th</sup> was the General Election. If people had not voted absentee or early as of yet, they still had time to do so. If not they could certainly go to the polls on November 8<sup>th</sup> to cast their ballot.

Deputy Service Director Brooker reported for the service department as follows:

1. Reminded the residents that the Leaf Pick-Up Program was set back one week this year from its original starting time. They would be beginning it on Monday, even though a lot of the trees were still green. He guessed they could have set it back even farther, but then they would be into the snow.

So the Leaf Pick-Up Program would start on Monday. Residents should be assured that they would make two passes thru every neighborhood, so they didn't have to worry that they would be missed. He asked people to try to keep the leaves out of the storm drains, ditches and roads. They would come into the yards to get them if they could get them on the tree lawns.

2. The City's Concrete Program for this year finished today. There were still numerous punch list items to do, but all the streets had been completed with concrete. There were several storm sewers and some restorations of curb drains that still need to be done.
3. Carvo Paving had finished milling all of the roads that were scheduled to be paved this year.
4. The asphalt base repairs have been completed on Seasons, McCauley, Gangl, Chestnut, Sunnyside and Montrose as of today.
5. The North River Road paving has been completed.
6. Chip sealing of Seasons Road for paving would begin tomorrow between the hours of 10:00 a.m. and 3:00 p.m. Seasons Road would be closed to traffic during that time. He asked people to please adhere to the detours.

7. The asphalt base repairs on Progress Park, Fishcreek, Seneca, Treeside and Adaline would resume on Tuesday, with resurfacing to finish after that. As soon as that was done, all of the streets that did not have curbs and gutters would be striped by J. D. Striping.

Deputy Service Director Brooker reported for the engineering department as follows:

1. The S.R. 91 Project at the Hudson border was on track and on schedule. It was going very well.

Mr. Pribonic stated that it used to be with asphalt that you couldn't lay it after November 15<sup>th</sup>. He saw the City was going to wrap-up its program by then. However, he wondered how that worked with the interstate? They saw all these projects going on. He asked if they would keep going?

Mr. Brooker stated it has to do with temperatures. The trend lately has been that the temperatures have been much warmer. They did watch the temperatures.

He had a family member who works for a large paving company and they do get shut down when it gets too cold. The State would shut them down. He works in the evenings, so there were a lot of evenings he was sent home early because of the temperatures. It was basically temperature and moisture based.

### **New Business**

#### **MOTION:**

Mr. Riehl moved and Mr. Pribonic seconded to excuse the absence of Councilman Costello.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

### **Disposition of Ordinances & Resolutions**

Mr. Riehl introduced Resolution No. 2016-111, entitled:

A RESOLUTION AMENDING RESOLUTION 2015-127, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH SEASONS PARTNERS, LLC, AND THE MAX-TRAC TIRE COMPANY, INC., TO REFLECT CHANGES IN THE PROJECT START AND COMPLETION DATES AND IN THE LATEST ALLOWABLE COMMENCEMENT AND TERMINATION DATES OF THE EXEMPTION, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Rasor seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-111.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Resolution No. 2016-111 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Ordinance No. 2016-112, entitled:

AN ORDINANCE AMENDING PART THIRTEEN, C.O.S., ENTITLED "BUILDING CODE", PARTICULARLY TITLE ONE THEREOF, ENTITLED "ADMINISTRATION", SPECIFICALLY CHAPTER 1309 THEREOF, ENTITLED "BUILDING PERMITS AND FEES", SPECIFICALLY SECTION 1309.01 THEREOF, ENTITLED "PERMIT REQUIRED", TO MAKE IT CONSISTENT WITH ADMINISTRATIVE SECTIONS 105.3/105.4 OF THE RESIDENTIAL CODE OF OHIO.

which was read by title by the Clerk for the first time.

Mr. Pribonic moved and Mr. Riehl seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, D'Antonio & Pribonic

No Votes: Adaska & Lowdermilk. The motion failed.

Ordinance No. 2016-112 was declared to be read for the first time.

Mr. Riehl introduced Ordinance No. 2016-113, entitled:

AN ORDINANCE AUTHORIZING THE CITY OF STOW TO CONTINUE THE PROGRAM OF PARTIALLY SELF-FUNDED INSURANCE, FOR PURPOSES OF PROVIDING HEALTH INSURANCE/HOSPITALIZATION COVERAGE AND DENTAL BENEFITS, SUPPLEMENTED BY FULLY INSURED LIFE INSURANCE, AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Pribonic seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-113.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2016-113 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-114, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A THREE-YEAR CONTRACT WITH MEDICAL MUTUAL OF OHIO (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS),

FOR HEALTH PLAN ADMINISTRATIVE SERVICES FOR 2017 THROUGH  
2019 AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-114.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2016-114 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-115, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS WITH AND THROUGH MEDICAL MUTUAL OF OHIO (MMO) AND/OR ITS SUBSIDIARY, MUTUAL HEALTH SERVICES (MHS), TO SECURE AGGREGATE AND SPECIFIC STOP/LOSS INSURANCE FOR THE CITY OF STOW, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Pribonic seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-115.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2016-115 was declared to be adopted by Council and, upon its signature by the Mayor shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-116, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF TWENTY-SEVEN (27) SELF-CONTAINED BREATHING APPARATUS (SCBA) AIR BOTTLES FOR THE FIRE DEPARTMENT FROM STATE BID VENDOR FINLEY FIRE EQUIPMENT, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-116.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Ordinance No. 2016-116 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

### **Disposition of Bills**

#### **MOTION:**

Mr. Riehl moved and Mr. D'Antonio seconded to approve the release of the checks for the current Bill Listing.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

#### **MOTION:**

Mr. Riehl moved and Mr. Lowdermilk seconded to authorize the President of Council, or in his absence the Vice President of Council, to approve the release of checks prior to the next Council Meeting.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

### **Committee Meetings Scheduled**

Planning Committee  
Thursday, November 17, 2016  
at 5:30 p.m.

Finance Committee  
Thursday, November 17, 2016  
to Follow the Planning Committee

C.O.W.  
Thursday, November 17, 2016  
to Follow the Finance Committee

City Council  
Thursday, November 17, 2016  
at 7:00 p.m.

Mr. Lowdermilk stated that he wanted to address Ordinance No. 2016-112.

It had been characterized to Council that it was like their typical ordinances that they had to update as they did for the Law Director's request for things that the State changes. However, this was in no way the same as that.

This was done as a result of a resident that was mistreated on several occasions, a building department that was not doing the proper inspections and who knows how many other residents received an improper inspection as a result of this.

There were a couple of different appalling things. However, they had taken this ordinance and took an opportunity to add another \$100 fee to the residents to extend the permit. So not only were they in the wrong and had to correct it, but then they took an opportunity to add an additional \$100 fee onto that.

This individual who filed this complaint was barred from City Hall because of arguments with City employees and these were the arguments he was having – that they were not following the law and not following the building code, which resulted in his arrest, which was just appalling. Everybody in this City should be appalled at what happened.

Now they had two people going to training after an individual was arrested trying to fight for his rights and what he was supposed to have under the building code and the laws of the City.

Mayor Kline thought it was nice of Mr. Lowdermilk to stick up for his brother-in-law that way.

Mr. Lowdermilk stated he didn't care if it was his brother-in-law or Mayor Kline's brother-in-law or Mayor Kline's sister-in-law. When a resident of this community was treated this way, she had tried to characterize it as this was just another routine change that we have to make. People should be appalled.

Mayor Kline stated that Mr. Lowdermilk had said several things that were untrue in his statement. Mr. Lowdermilk stated he did not believe so.

### **Adjournment**

#### **MOTION:**

Mr. D'Antonio moved and Mr. Pribonic seconded to adjourn.

Yes Votes: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

The meeting adjourned at 7:21 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Rasor  
President of Council